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September 24, 2020

VIA ECF

Hon. Mary Kay Vyskocil  
United States District Judge  
Daniel Patrick Moynihan Federal Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: Emily Penzo v. Consolidated Edison Company of New York, Inc.  
SDNY Dkt. No. 19-cv-7478 MKV

Your Honor:

We represent Plaintiff in the above-referenced matter pending before your Honor, and submit this latter jointly with counsel for Defendant to apprise your Honor of the progress being made on this case, to request that this matter be referred to Magistrate Judge Parker for purposes of a settlement conference, and that the post-discovery conference scheduled before your Honor for October 13 be adjourned. This is the parties' first request for postponement of the post-discovery conference.

The parties have been progressing very well with depositions. We have taken seven depositions this month, with two more plus a Rule 30(b)(6) deposition scheduled. The parties believe that now that discovery is soon to be completed, it would be productive to focus on resolution, and we believe that a settlement conference with Judge Parker is in order.

Because we believe that in the immediate future it would be more productive to focus on settlement rather than prepare for motion practice, we respectfully request that the October 13 conference before your Honor be adjourned. We note that your scheduling order and your rules require us to file Rule 56.1 statements by October 6. Practically, that deadline would be impossible because, at a minimum, deposition transcripts will not have been reviewed by the witnesses and returned before that time. In addition, the parties have identified relevant documents during depositions that we are in process of locating and exchanging. In addition, Plaintiff is still attempting to serve subpoenas on two crucial witnesses no longer employed by Defendant and who were not available at the addresses provided to Plaintiff and, for one, an

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alternate address. Also, we believe that focusing on resolution at this time provides much greater likelihood of successfully bringing this matter to conclusion, and better use of judicial resources, than would motion practice and trial preparation. Therefore, we request that, in the event the parties cannot resolve this matter with the assistance of Judge Parker, the conference be adjourned to November 20, or a date thereafter that is convenient for the Court, with the joint status letter and proposed Rule 56.1 statements due one week before the conference.

Respectfully submitted


/s/  
Laine Alida Armstrong

CC: Attorneys of Record, *via ecf*

The parties' request to adjourn the Post-Discovery Conference is GRANTED. The Post-Discovery Conference scheduled for October 13, 2020, at 11:00 AM is HEREBY ADJOURNED to November 20, 2020, at 11:00 AM.

SO ORDERED.

Date: 09/25/2020  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge